

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PATRICIA WILSON,

Plaintiff,

v.

KRAUSE, INC., et al.,

Defendants.

2:05-CV-570 JCM (LRL)

Date: N/A

Time: N/A

**ORDER**

Pursuant to Local Rule 41-1, after giving notice, the court may dismiss a civil action pending for more than nine months for want of prosecution. On February 23, 2007, the clerk issued notice to counsel pursuant to LR 41-1 (#9) stating that if no action was taken by plaintiff within 30 days, the clerk's office would make application to the court for dismissal for want of prosecution. On March 13, 2007, the defendant filed a motion to dismiss (#10) pursuant to Fed. R. Civ. P. 41(b) for plaintiff's failure to prosecute and comply with court orders. Plaintiff has taken no action.

Before dismissing an action for failure to prosecute, a court shall consider the following: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions. *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). After weighing the factors, dismissal is appropriate in this case, as plaintiff has failed to file anything with the court since the case was removed to federal court on May 5, 2005.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action is DISMISSED

DATED this 22<sup>nd</sup> day of May, 2007.

*James C. Mahan*  
UNITED STATES DISTRICT JUDGE